



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director  
Parks and Recreation Department

DATE: August 25, 1994

SUBJECT: Construction of single-slip boat dock, at 1875 Westlake Drive  
File # SP-94-0251DS

A request has been received from Royce Reynolds Construction, on behalf of Norman Armour, to construct a single-slip boat dock with deck over, at 1875 Westlake Drive.

Parks and Recreation Department staff have reviewed the project and the site plans meet the requirements of Article VI, Division 4, Part E (Requirements for the Construction Of Boat Docks) of the Land Development Code (including all amendments).

**Recommendation**

I recommend approval of the request to construct a single-slip boat dock at 1875 Westlake Drive, in accordance with Site Plan # SP-94-0251DS.

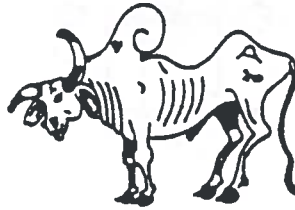
If I can provide you with any additional information, please let me know.

Michael J. Heitz, AIA, Director  
Parks and Recreation Department

MH:PM

# ROYCE E. REYNOLDS CONSTRUCTION

14613 General Williamson Dr.  
Austin, Tx 78734



June 27, 1994

Director of Parks & Recreation Department :

Owner ; Norman Armour  
1875 West Lake Drive  
Austin, Texas

Project Address ; 1875 West Lake Drive  
0.971 Ac. of Land, More or Less  
Out of and A part of the Wilkenson  
Sparks Survey No. 4 Abstract No. 21  
in Travis County Vol. 9661 Pg. 434  
of the Deed Records of Travis Co., Texas

We here by perpose the construction of a single slip, single family boat dock at 1875 Wst. Lk. Dr. for Norman Armour.

Construction to begin on or about Aug. 10, 1994 and to be completed in approx. three weeks.

There is no intent to gain shoreline or affect navigation.

All materials to meet Lake Austin / City of Austin Codes.

Electrical to City of Austin Code.

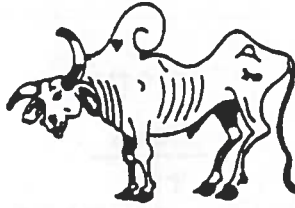
Thank you;

A handwritten signature in dark ink, appearing to read 'Royce E. Reynolds'. The signature is written in a cursive, flowing style.

Royce E. Reynolds  
266-7274

# ROYCE E. REYNOLDS CONSTRUCTION

14613 General Williamson Dr.  
Austin, Tx 78734



June 27, 1994

## SITE DEVELOPMENT SUMMARY LETTER

Owner; Norman Armour  
1875 West Lake Drive  
Austin, Texas

### Legal Description:

0.971 Ac. of Land, More or Less  
Out of and a part of the Wilkenson  
Sparks Survey No. 4 Abstract No. 21  
in Travis County Vol. 9661 Pg. 434  
of the Deed Records of Travis Co., Texas

Single Family, Single Slip Boat Dock

No Shoreline Alterations or Deviations

No trees in area of construction

No intent to gain shoreline or affect navigation

Project to have no affect on Natural Traditional Character  
of the Land/Waterway

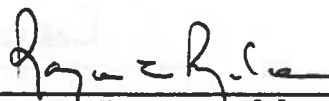
Construction to begin about August 10, 1994

All materials to meet Lake Austin/City of Austin Codes

City of Austin Sedimentation/Erosion Code requirements to  
be met

Construction to follow plans submitted for approval of  
Norman Armour Boat Dock and meet all dimensions, specifications and notes

Thank you;

  
\_\_\_\_\_  
Royce E. Reynolds  
266-7274

1875 WEST LAKE DRIVE

S 60° 40' E  
99.96'

0.971 AC.

96601

434

WILKESVILLE SPARKS SURVEY #4  
ABSTRACT 21



ASPHALT DRIVE

MATERIAL DROP



PROPOSED HOME

FOOT TRAFFIC ONLY  
CONSTRUCTION ACCESS

SMALL PROJECT  
NO TREES IN AREA  
NO SHORELINE ALTERATIONS/MODIFICATIONS  
NO INTENT TO AFFECT NAVIGATION/RECREATION.  
NO EFFECT ON NATURAL

PROPOSED  
DOCK LOCATION



SHORE LINE

LAKE ADJUT.

BEE CREEK

APPROX. 176.0' WIDE PROPOSED SITE

H

3036  
1034  
1.0 AC

N 29° 03' 59" W 430.63'

S 29° 03' 59" E 415.60'

8234  
601  
0.91 AC

STEARNS AND ASSOCIATES, INC.  
11103 FREDRICK STREET / AUSTIN, TEX.  
SEP 1 1975 / PHONE NO. (512) 834-0533

LOCAL ADDRESS : 1875 WESTLAKE DRIVE  
REFERENCE NAME : NORMAN L. ARMOUR AND  
SALITA D. ARMOUR

LEGAL DESCRIPTION : 0.971 ACRES OUT OF THE  
WILKINSON SPARKS SURVEY NO. 4, ADSTRACT 21,  
TRAVIS COUNTY, TEXAS AND BEING FURTHER DESCRIBED  
THE SAME TRACT OF LAND TO RODGER M. WILLIAMS IN  
VOLUME 9661, page 434, TRAVIS COUNTY, TEXAS, REAL  
PROPERTY RECORDS.

- EASEMENTS : (1) A PERPETUAL EASEMENT AND RIGHT  
TO OVERFLOW TO CITY OF AUSTIN AS  
RECORDED IN VOLUME 608, PAGE 196,  
DEED RECORDS, TRAVIS COUNTY, TEXAS.  
(2) GENERAL ELECTRIC AND TELEPHONE  
EASEMENT TO CITY OF AUSTIN RECORDED  
IN VOLUME 659, PAGE 558, DEED RECORDS  
TRAVIS COUNTY, TEXAS.  
(3) RELEASE OF CLAIMS TO CITY OF AUSTIN  
( FOR DAM CONSTRUCTION ) RECORDED  
IN VOLUME 103, PAGE 560, DEED RECORDS  
TRAVIS COUNTY, TEXAS.

SEE CITY PLAT FOR  
FOR DRAINAGE LOCATION  
W CREEK  
N 88° 15' 10" W 101.12'  
LAKE AUSTIN

0.971 AC.

3036  
1034  
1.0 AC.

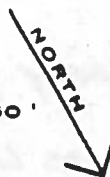
8234  
801  
0.91 AC.

*[Handwritten Signature]*



SCALE 1" = 60'

- 0 - IRON PIN FOUND  
1 - PIPE FOUND  
2 - IRON PIN SET



UTILITY LINE  
660°46'00"E - 99.95'  
1875 WESTLAKE DRIVE

STATE OF TEXAS : TO THE LIEN HOLDERS AND/OR OWNERS OF THE PREMISES SURVEYED  
COUNTY OF TRAVIS : AND TO FIRST AMERICAN TITLE INSURANCE COMPANY OF TEXAS

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND  
OF THE TRACT LEGALLY DESCRIBED HEREIN AND IS CORRECT AND THAT THERE ARE NO  
DISCREPANCIES, CONFLICTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS  
IN PLACE, EXCEPT AS SHOWN HEREIN AND THAT SAID TRACT HAS ACCESS TO AND FROM A  
DEDICATED ROADWAY, EXCEPT AS SHOWN HEREIN.

NOTE : THIS SURVEY WAS PERFORMED ON SUBJECT TRACT THE 14 DAY OF JUNE 1994.

FLOOD NOTE : THE PROPERTY DESCRIBED HEREIN IS WITHIN A SPECIAL FLOOD HAZARD  
AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

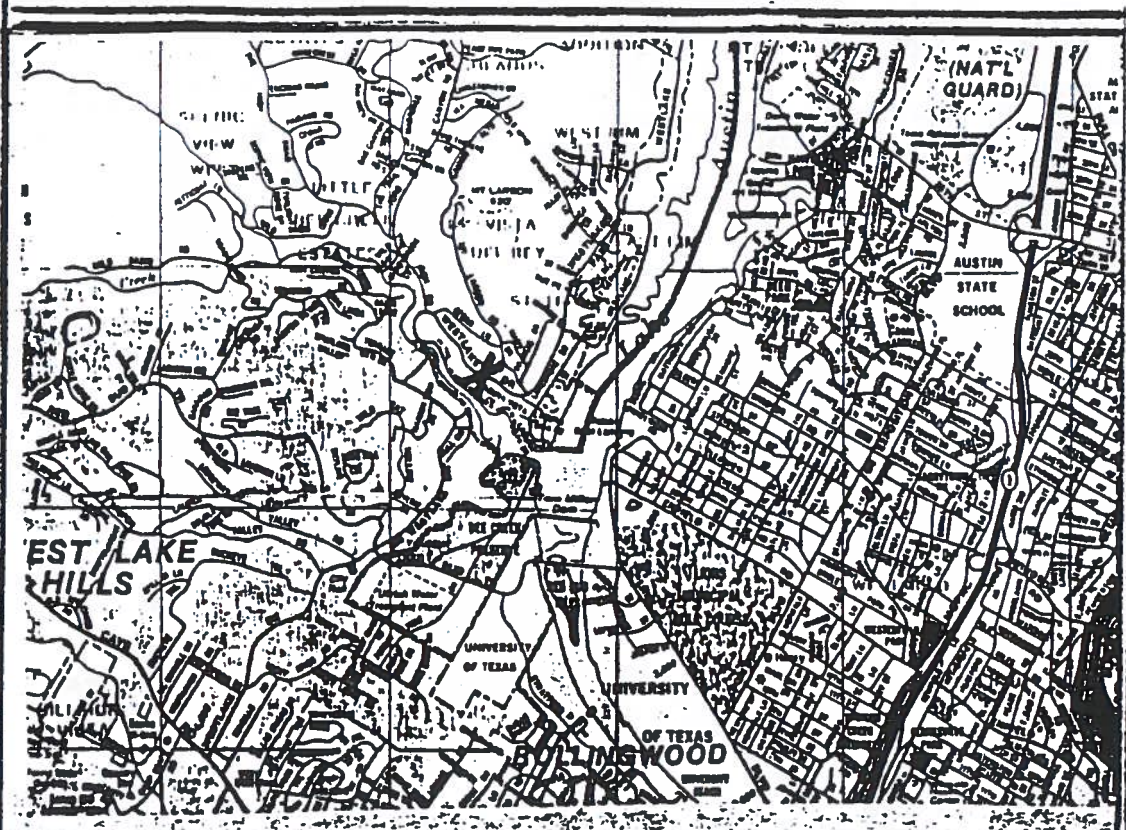
FLOOD MAP NO. - 48453C0205

EFFECTIVE DATE - 6/16/93

ZONE - A

LEO GORDON STEARNS, JR. / REGISTERED PROFESSIONAL LAND SURVEYOR / NO. 4849  
FIELD BOOK 181 / PAGE(S) 73 C/WESTLAKE - JOB NUMBER : 11970





HERMAN ARMOUR BOAT DECK

1875 WEST LAKE DRIVE

0.971 AC

WILKINSON SPARKS SWANEY

214 ABSTRACT 21

BEING THE SAME TRACT OF LAND CONVEYED  
TO ROGER M. WILLIAMS IN VOL. 9061 PG. 434  
OF THE DEEDS OF RECORDS OF TRAVIS, CO., TEXAS  
REAL PROPERTY RECORDS

SINGLE PROJECT SINGLE FAMILY BOAT DECK

EXTEND PURSUANT TO THE LAND DEVELOPMENT CODE

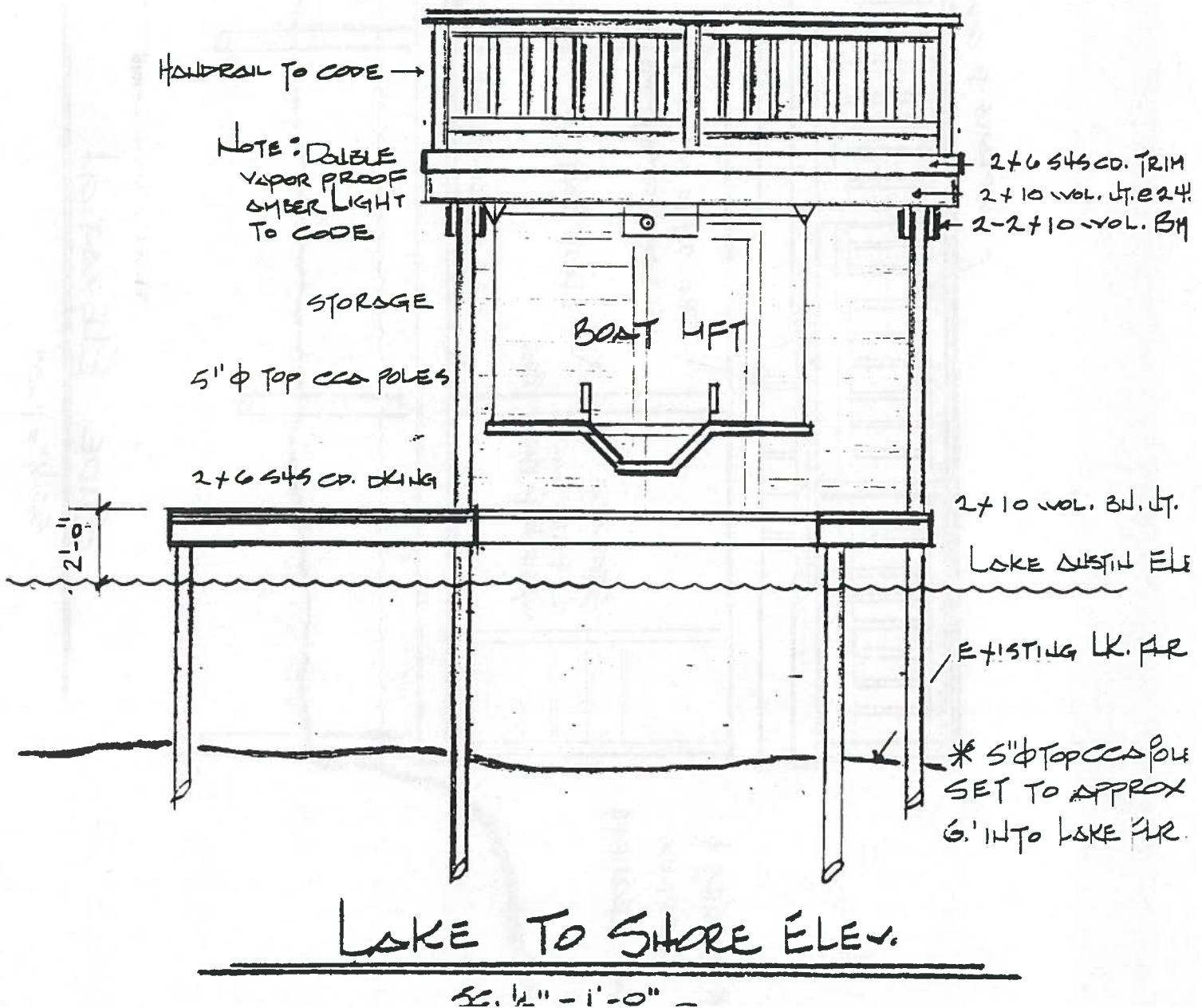
SEC. 13-2-502-B, SEC. 13-2-502-G

SUBJECT TO CITY ORDINANCE #800-03 N. LAKE AUSTIN WAT. SHD.

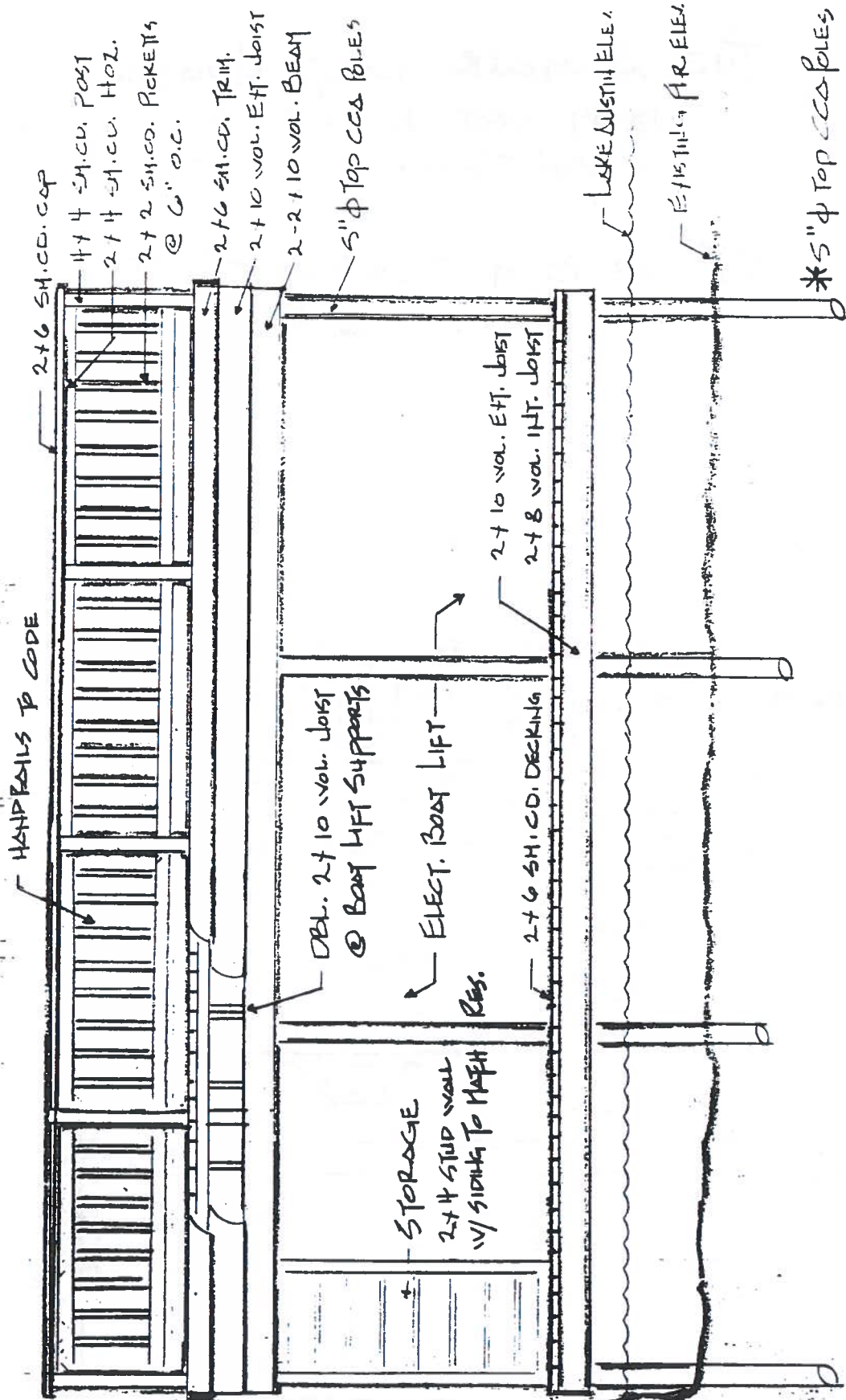
THE ARMAIR BOAT HOUSE  
1859 WST. LK. DR.  
AUSTIN, TEXAS

SPILLER BOAT DOCK & BOAT LIFTS

ROYCE REYNOLDS 266-7274





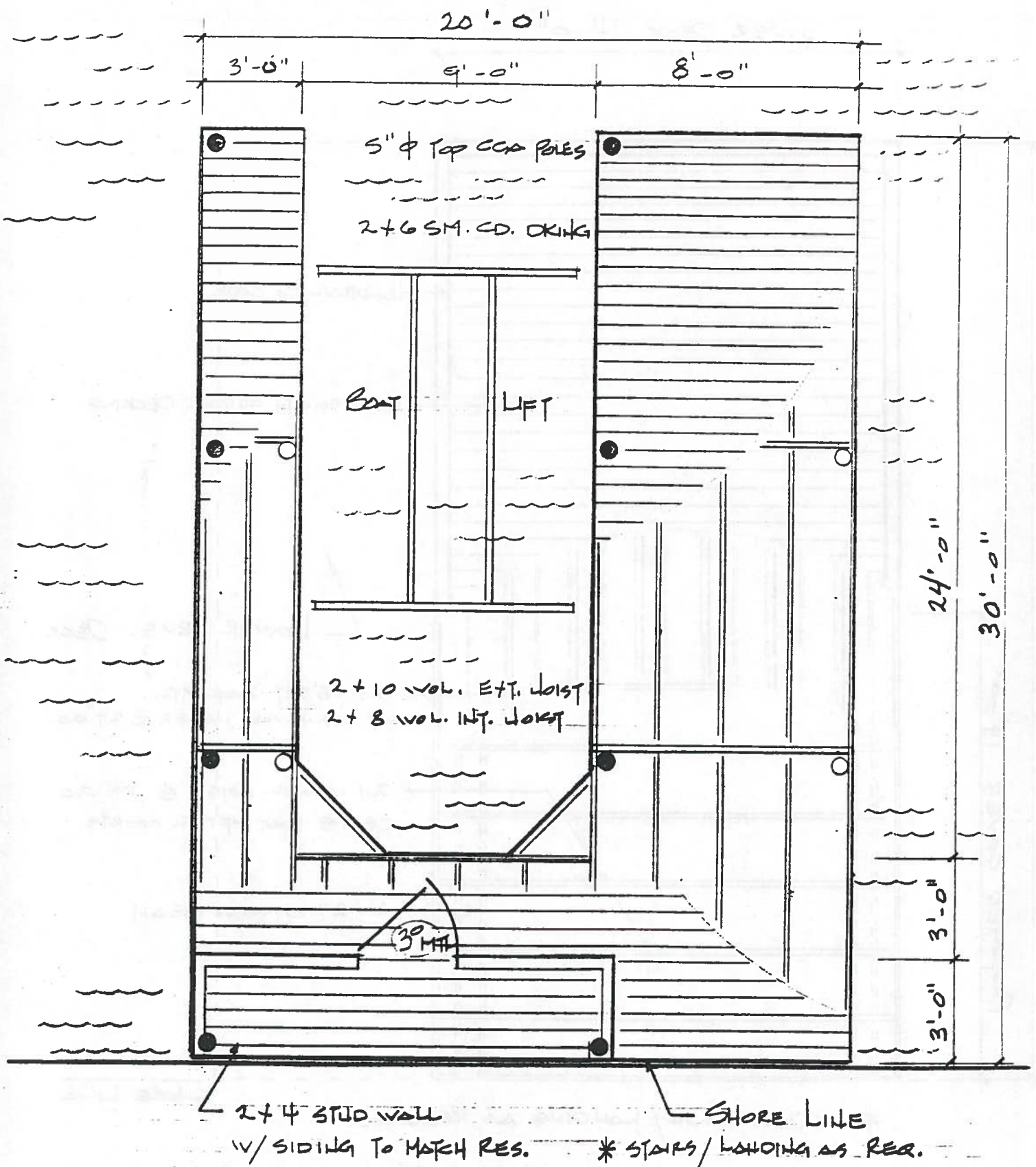


\* STAIRS & LANDINGS AS REQUIRED

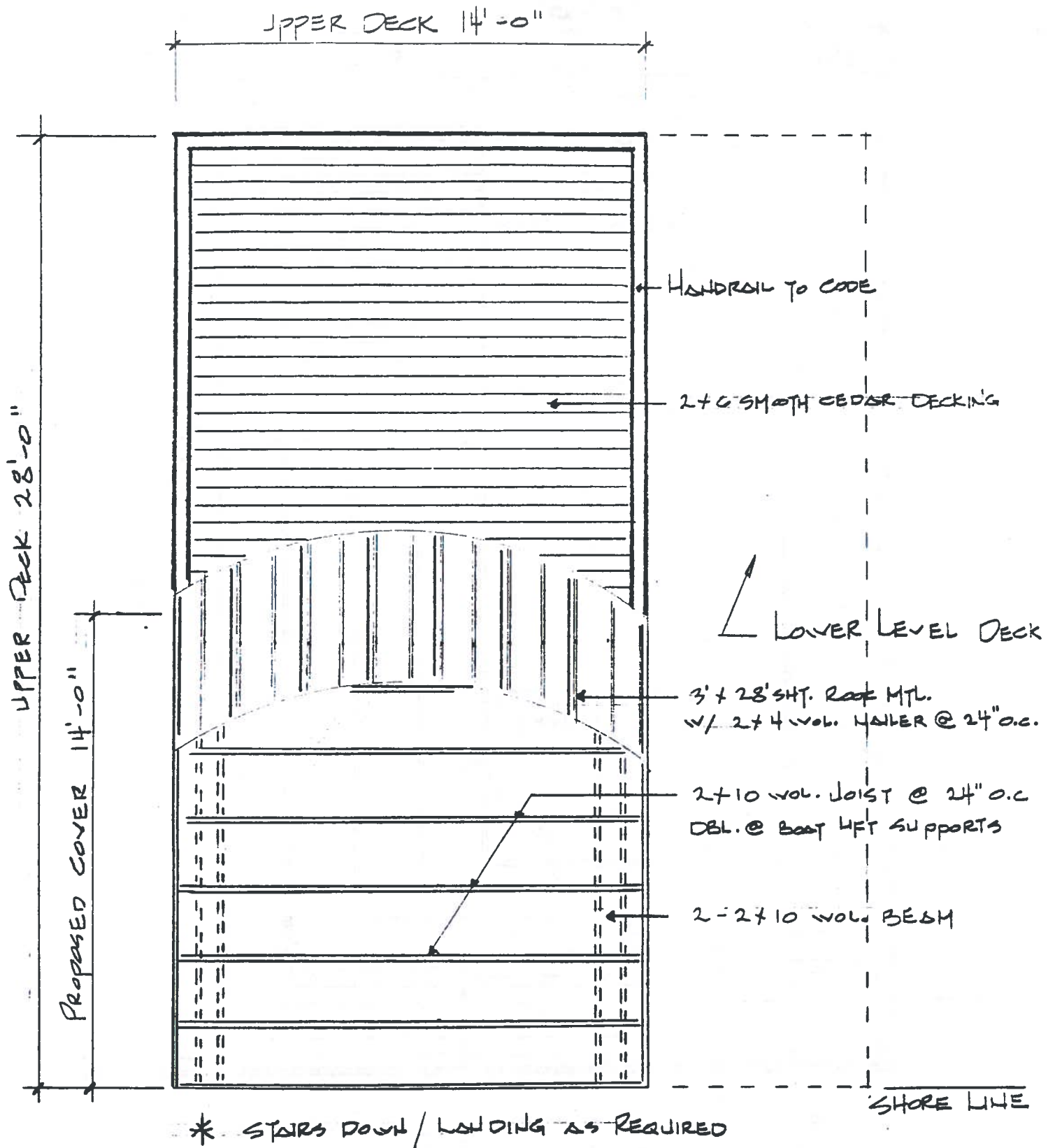
# SIDE ELEVATION

SC 4" = 1'-0"





LOWER LEVEL DOCK LAYOUT



UPPER LEVEL DECK LAYOUT

FIELD NOTES FOR  
0.971 ACRES OF LAND

FIELD NOTES FOR 0.971 ACRES OF LAND, MORE OR LESS, BEING OUT OF AND A PART OF THE WILKINSON SPARKS SURVEY NO. 4, ABSTRACT NO. 21, IN TRAVIS COUNTY, TEXAS, BEING FURTHER DESCRIBED AS BEING THE SAME TRACT OF LAND CONVEYED TO ROGER M. WILLIAMS IN VOLUME 9661 AT PAGE 434 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.971 ACRES OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS :

BEGINNING at an iron pin, found, being the Northwest corner of a 1.0 acre tract of land recorded in Volume 3036 at Page 1034 of the Deed Records of Travis County, Texas, also being the Northeast corner of a tract of land recorded in Volume 9661 at Page 434 of the Deed Records of Travis County, Texas, also being located on the South R.O.W. line of Westlake Drive and being the Northeast corner of Subject Tract;

THENCE S 29°03'59" W leaving the South R.O.W. line of Westlake Drive and traveling along the West line of the aforementioned 1.0 acre tract and the East line of the aforementioned tract recorded in Volume 9661 at Page 434, for a distance of 420.79 feet, to an iron pin, set, and then continuing for an additional 9.84 feet, being a total traveled distance of 430.63 feet, to a point located along the water line of Bee Creek, being the Southeast corner of the aforementioned tract recorded in Volume 9661 at Page 434 and being the Southeast corner of Subject Tract;

THENCE N 52°13'10" W leaving the West line of the aforementioned 1.0 acre tract and traveling along the South line of the aforementioned tract recorded in Volume 9661 at Page 434, more or less along the water line of Bee Creek, for a distance of 101.13 feet, to a point, being located on the East line of a 0.91 acre tract of land recorded in Volume 8234 at Page 601, also being the Southwest corner of the aforementioned tract recorded in Volume 9661 at Page 434 and being the Southwest corner of Subject Tract;

THENCE N 29°03'59" E along the East line of the aforementioned 0.91 acre tract and the West line of the aforementioned tract recorded in Volume 9661 at Page 434, for a distance of 4.96 feet, to a pipe, found and then continuing for an additional 410.64 feet, being a total traveled distance of 415.60 feet, to an iron pin, found, being the Northeast corner of the aforementioned 0.91 acre tract, also being the Northwest corner of the aforementioned tract recorded in Volume 9661 at Page 434, also being located on the South R.O.W. line of Westlake Drive and being the Northwest corner of Subject Tract;

THENCE S 60°46'00" E along the North line of the  
aforementioned tract recorded in Volume 9661 at Page  
434 and along the South R.O.W. line of Westlake Drive,  
for a distance of 99.96 feet, to the PLACE OF  
BEGINNING, containing 0.971 acres of land, more or  
less.

I, LEO GORDON STEARNS, JR., A REGISTERED PROFESSIONAL  
LAND SURVEYOR, DO CERTIFY THAT THE COURSES, DISTANCES  
AND AREA WERE DETERMINED BY A SURVEY ON THE GROUND AND  
ARE TRUE AND CORRECT. GIVEN UNDER MY HAND AND SEAL,  
THIS THE 14TH DAY OF JUNE, 1994.

-----*Leo Gordon Stearns, Jr.*-----

LEO GORDON STEARNS, JR.  
REGISTERED PROFESSIONAL LAND SURVEYOR / NO. 4649  
STEARNS AND ASSOCIATES, INC.  
11303 TEDFORD STREET / AUSTIN, TEXAS / 78753  
PHONE NUMBER : (512) 836-0533  
JOB NUMBER : 11970







MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director  
Parks and Recreation Department

DATE: August 25, 1994

SUBJECT: Proposed Funding for Study of Water Quality Related to Turf Management

The Environmental and Conservation Services Department initiated a request for professional services to study water quality as it relates to turf management of golf courses. The objectives of the project are:

Review turfgrass management practices and irrigation procedures at all City of Austin municipal golf courses and possibly other cooperating private golf courses in the Austin area.

Identify and evaluate existing and potential impacts to the surface water and groundwater resources in the vicinity of each golf course.

Identify and evaluate potential turfgrass management strategies and irrigation procedures in order to mitigate pollution from golf courses.

The \$100,000 estimated cost of the study is proposed to be paid by the Environmental and Conservation Services Department, which has funding for the project. In its review of the project, the Environmental Board recommended to Council that the Golf Enterprise Fund be responsible for half of the cost, \$50,000.

Recommendation:

I recommend that the Parks and Recreation Board recommend to Council that the project be funded in full by the Environmental and Conservation Services Department, which has identified funds for the project.

Please let me know if you need additional information.

  
Michael J. Heitz, AIA, Director  
Parks and Recreation Department

MJH:jh

## AUSTIN TREE SPECIALISTS

2307 West Ninth Street

Austin, Texas 78703

474-6614

July 6, 1994

Jodi Hamilton  
Parks Board  
200 South Lamar  
Austin, Texas 78704

Dear Jodi;

The Urban Forestry Board has been working for the last eighteen months preparing an ordinance that governs the care of trees on city property. We have met with all of the city departments (ECSD, Electric Dept., Parks Dept., Water/Waste Dept., Street & Bridge Dept., Public Works Dept., City Legal Dept.) that will be impacted by this ordinance and they are all in agreement with the ordinance.

We would like to now present this to the Parks Board for their input, comments, and any suggestions and answer any questions they may have concerning the ordinance. We are also taking the ordinance before the Environmental Board and the Planning Commission for their input as well.

Enclosed is a copy of the proposed ordinance and some related back up material.

We are scheduling a public hearing of the ordinance prior to sending this to council. The first hearing will be Tuesday, August 2, 1994 at 6:00 PM at the Parks and Recreation Department Headquarters Board Room at 200 South Lamar. A second hearing is scheduled for Wednesday, August 31, 1994 at 6:00 PM at the same location.

We hope to send this on to City Council in late September or early October.

Sincerely;



Patrick Wentworth  
Urban Forestry Board  
Chairman 1994



# **DRAFT PUBLIC TREE CARE ORDINANCE**

## **Review Materials**

### **CONTENTS:**

- 1. Draft Public Tree Care Ordinance**
- 2. Ordinance Explanation**
- 3. Appendix**

**Austin Urban Forestry Board  
Patrick Wentworth, Chair  
2307 West 9th Street  
Austin, Texas 78703  
474-6614  
July 8, 1994**

ORDINANCE NO. 94 \_\_\_\_\_

AN ORDINANCE REGULATING THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC PROPERTY; ESTABLISHING THE OFFICE OF URBAN FORESTER; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC PROPERTY; PROVIDING FOR THE REMOVAL OF VEGETATION ON PRIVATE PROPERTY WHICH OBSTRUCTS PUBLIC TRAVEL OR THREATENS PUBLIC SAFETY; PROVIDING FOR THE PROTECTION OF PUBLIC TREES; PROVIDING FOR VALUE RECOVERY WHEN PUBLIC TREES ARE DAMAGED OR REMOVED; PROVIDING FOR TREES AS PART OF STREET IMPROVEMENTS; PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS; REPEALING SECTIONS 16-7-40, 16-7-41, 16-7-42, 16-7-43, 16-7-44, 16-7-45; WAIVING SECTION 2-2-3 OF THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City may pass and enforce ordinances necessary for the protection of the health, welfare and safety of its residents and visitors; and,

WHEREAS, the City has dominion, control and jurisdiction over its public streets and parks; and,

WHEREAS, there are over 160,000 trees located on the streets and parks of the City which provide social, aesthetic, environmental, economic and health benefits to the City and its residents; and,

WHEREAS, a study conducted for the City Council recommended the enactment of an ordinance protecting and promoting the City's urban forest; and,

WHEREAS, many cities have successfully enacted and enforced similar ordinances throughout the state and the nation, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** That the Code of the City of Austin of 1992 is hereby amended by adding a new Chapter 15-9 as follows:

**Section 15-9-1 Short Title.**

This Ordinance shall be known and cited as the Public Tree Care Ordinance.

**Section 15-9-2 Purpose and Intent.**

A. The purpose of this Chapter is to promote and protect the public health, safety, and general welfare by regulating the planting, maintenance and removal of trees located on streets, parks and public areas owned or controlled by the City of Austin. The application and enforcement of this ordinance shall be coordinated with existing ordinances.



B. It is the intent that this Chapter shall promote:

(1) The protection of the City of Austin, its residents and visitors from harm caused or threatened by the improper planting, maintenance, or removal of trees; and

(2) The planting, maintenance, restoration, and protection of desirable trees on public property, thereby enhancing the appearance of the City and protecting the urban forest as an important social, environmental and economic resource for the benefit of the City's residents and visitors; and

(3) The assistance of property owners and public agencies in protecting and maintaining trees in a manner consistent with adopted City policies, procedures and regulations.

#### **Section 15-9-3 Definitions.**

A. *Urban Forester* is the qualified designated official assigned to carry out the enforcement of this Chapter.

B. *Property Line* shall mean the outer edge of a street or highway right-of-way.

C. *Public Property* shall include all grounds owned or controlled by the City of Austin not restricted to public access. Utility and drainage easements on private property, and areas restricting public access shall not be included in the definition of public property as used in this Chapter.

D. *Damage* shall mean any serious injury to a tree. Damage shall include uprooting, severance of the root system, severance of the main trunk, the storage of materials or the compaction of soil around a tree, a substantial change in the natural grade above the root system or around the trunk; excessive pruning; and the paving with impervious materials around a tree.

E. *Tree* means any self-supporting, woody perennial plant typically having a trunk diameter of at least three inches measured at twelve inches above grade or having a trunk diameter of at least two inches if planted by or for the City.

F. *Treelawn* is any unpaved part of a street or highway, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

G. *Tree Value* is the appraised value of a tree based on the latest edition of the "Guide for Plant Appraisal" by the Council of Tree and Landscape Appraisers or a similarly accepted guide.

H. *Utility* means public utilities, businesses or organizations in the business of supplying electrical energy, gas, heat or steam, water, communications, or other services through or associated with telephone or telegraph, sewage disposal and treatment, and other operations for public service.

#### **Section 15-9-4 Duties and Authority of Urban Forester.**

There shall be an Urban Forester position filled by a qualified forester. The Urban Forester shall:

- A. Preserve and enhance the urban forest.
- B. Develop and periodically update rules, regulations, specifications and standards of practice governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees and shrubs on public property. Arboricultural specifications and standards of practice shall be based on the most current edition of the National Arborists Association's Standards for Tree Care or other nationally recognized standard and shall have been reviewed and approved by the Urban Forestry Board prior to implementation. Copies of all rules, regulations, specifications and standards shall be available to the public.
- C. Manage the City of Austin Urban Forestry Program.
- D. Enforce the provisions of this ordinance to control and regulate the planting, maintenance, and removal of trees on public property to insure safety and preserve the aesthetics of such public sites.
- E. Provide administrative staff support to the Urban Forestry Board.
- F. Supervise and inspect all work done under a permit issued under this Chapter.
- G. Affix reasonable conditions to the granting of permits.
- H. Assist the Urban Forestry Board with formulating a Comprehensive Urban Forest Plan. The Comprehensive Urban Forest Plan shall specify the planting, maintenance, and removal of trees on streets or other public areas. The Urban Forester, with the approval of the Urban Forestry Board, shall have the authority to amend or add to the Comprehensive Urban Forest Plan at any time that circumstances make it advisable. The Comprehensive Urban Forest Plan shall guide the City in promoting and preserving its urban forest.
- I. Administer and monitor the implementation of the Comprehensive Urban Forest Plan.
- J. In coordination with affected City departments, plant or cause to be planted trees on public property.
- K. Maintain and remove as necessary trees on public property.
- L. Carry out such other duties as may be specified in this Chapter or in this Code.

#### **Section 15-9-6 Permits.**

A. (1) Unless otherwise directed or permitted by another applicable permit or license, no person shall plant, maintain, remove, or damage any tree on public property without procuring a permit from the Urban Forester as specified in this section. Permits under this Chapter shall be issued free of charge.

(2) Application for permits shall contain such information as the Urban Forester shall require and shall be made at the office of the Urban Forester not less than five (5) working days in advance of the time the work is to be done.

(3) The Urban Forester shall issue a permit upon a determination that the proposed work is desirable and the proposed method and workmanship are in accordance with this Chapter and adopted arboricultural standards. Any permit granted shall contain a date of expiration and the work shall be completed in the time allowed on the permit and in the manner therein described. A permit shall be void if its terms are violated.

(4) Notice of completion of the work shall be given within five (5) working days to the Urban Forester. Notice of completion of work done under an annual permit shall be provided monthly or quarterly at the discretion of the Urban Forester.

B. The Urban Forester shall be authorized to remove any tree or vegetation found to have been planted in violation of this Chapter or regulations adopted hereunder. The cost of removal shall be assessed and collected from the person responsible for planting such tree or vegetation.

C. (1) No permit may be required of any City department or contractor employed by a City department engaged in tree pruning or maintenance provided that the work is completed according to the arboricultural specifications and standards approved by the Board under § 15-9-4.B.

(2) An annual permit shall be issuable to any person that engages in the pruning or maintenance of trees of public property. Issuance of an annual permit shall be expressly conditioned on compliance with City-adopted arboricultural specifications and standards of practice. A permit may be denied if the applicant has a demonstrated history of violating the provisions of this Chapter. An annual permit shall not authorize the removal of trees.

D. As a condition of the issuance of a permit for the removal of a tree, the Urban Forester may require the planting of replacement trees or provisions therefore. In the event a permit holder agrees to plant a replacement tree and such a replacement tree is not timely replanted, the Urban Forester may collect the value of such trees or may plant such tree and assess and collect the costs from the person issued the permit. Funds collected shall be deposited in the City of Austin Planting for the Future Fund Trust.

E. (1) No permit shall be required to remove any tree or limb under emergency conditions. An emergency shall be deemed to exist during such time as a hazardous or dangerous condition exists because a tree or limb has fallen or is in imminent danger of falling. A person may remove fallen limbs or trees blocking pedestrian or vehicular travel.

(2) No permit shall be required of a public utility to remove trees or limbs which have fallen, or are in imminent danger of falling, if removal is necessary to restore service or to prevent damage to utility lines or facilities.

F. The Urban Forester shall be authorized to revoke a permit for violations of this Chapter, or regulations adopted hereunder, or for good cause. Written notice and an opportunity to be heard shall be provided to permit holders before the revocation of a permit.



#### **Section 15-9-6 Obstructions.**

A. It shall be unlawful for the owner or occupant of any property adjacent to a public street or sidewalk to allow any tree, shrub or vegetation growing on his property to obstruct traffic visibility or signs, or the free passage on such street or sidewalk. Such owner or occupant shall maintain trees, shrubs or vegetation growing on his property so as to provide a vertical clearance of at least eight feet over sidewalks and 14 feet over streets.

B. The Urban Forester shall issue written notices to owners or occupants requiring the removal or clearance of trees, shrubs or vegetative matter under subsection A. If an owner or occupant fails to remove or clear such vegetation within 10 days of receipt of the notice, the Urban Forester shall be authorized to remove or clear such vegetation and to assess and collect expenses against the owner or occupant. The Urban Forester shall be authorized to remove obstructions at any time. The City shall have a lien against the property for expenses of removal or clearance provided the owner and lienholders have received notice to abate the obstructions and have received an opportunity to perform removal or clearance. The City's lien shall become effective upon its recordation in the real property records of the county in which the property is located.

C. (1) The owner or the occupant of any corner lot shall not place, maintain or permit or cause to be placed or maintained any plant having a height greater than two (2) feet above the ground on which the plant is situated on or in that portion of any corner which portion includes all property ten (10) feet back from the curbline and forty (40) feet on either side from the street corner intersection of the curbline.

(2) The owner or the occupant of any property in the City shall not place, maintain or permit or cause to be placed or maintained thereon any tree or shrub within five feet of any fire hydrant in the City.

#### **Section 15-9-7 Protection of Trees.**

A. Except as provided in subsection C., below or unless authorized by other written permit issued by the City:

(1) No person shall excavate any ditch, tunnel or trench deeper than one (1) foot or lay any drive within a radius ten (10) feet from any tree on the treelawn.

(2) No person shall damage, top, cut, carve, transplant, or remove any tree on public property, allow any gas, liquid, or solid substance which is harmful to such trees to come in contact with them, or set fire or permit any fire to burn when such fire or the heat thereof may injure any portion of any such tree.

(3) No person shall deposit, place, store, or maintain upon public property any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing thereon.

B. Unless otherwise directed or permitted by other applicable ordinances or rules, a person conducting excavation or construction on public property shall see that each tree is guarded with a good substantial fence, not less than four (4) feet high and two feet out from the tree. All building material, dirt, other debris shall be kept outside the barrier.



C. No permit shall be required for work immediately necessary to protect the public health or safety, or to repair broken or damaged utility lines or to restore utility services.

#### **Section 15-9-8 Loss of Public Trees -Value Recovered.**

A. A person damaging a tree on public property shall be liable to the City for any loss of value. In the event damage is so pervasive as to result in the treatment or removal of the tree, the person damaging such tree shall also be liable for costs of treatment or removal. A person may appeal the Urban Forester's determination of value to the Urban Forestry Board under the procedures established in subsection 15-9-10.

B. Amounts recovered under this section shall be deposited in the Planting for the Future Trust Fund.

#### **Section 15-9-9 Capital Improvements.**

The Urban Forester shall participate in the planning or designing of major capital improvements to the road system to ensure the inclusion of trees as part of the road design. One percent of the costs of each road system capital improvement project shall be devoted to the planting of trees.

#### **Section 15-9-10 Appeals.**

A. An applicant or permit holder shall have the right to appeal the conditions, denial or revocation of a permit to the Urban Forestry Board upon the filing of a written appeal to the Urban Forestry Board within 10 days of the granting, denial or revocation of a permit. The Urban Forestry Board shall hold a hearing within 30 days of receipt of the appeal. The appellant shall be notified of the date of the hearing and shall be allowed to present evidence and testimony. The Urban Forestry Board shall uphold, reverse or modify the decision of the Urban Forester.

B. A person determined to be liable to the City under Sections 15-9-5 or 15-9-8 shall have the right to appeal the determination to the Urban Forestry Board upon the filing of a written appeal to the Urban Forestry Board within 10 days of notice of liability. The Board shall conduct a hearing in the same manner specified in subsection A above.

C. A decision of the Urban Forestry Board rendered under Subsections A or B above shall be appealable to the City Council by filing a written notice of appeal within 10 days of the rendering of the decision. The notice shall be filed with the Urban Forester and shall specify the grounds of the appeal. The City Council shall proceed to conduct a hearing within 30 days or at the earliest opportunity and shall uphold, reverse or modify the decision of the Urban Forestry Board after such hearing.

#### **Section 15-9-11 Interference With Urban Forester.**

No person shall hinder, prevent, delay, or interfere with the Urban Forester or any of his/her assistants while engaged in carrying out the execution or enforcement of this Chapter.

**Section 15-9-12 Violation and Penalty.**

A violation of the provisions of this ordinance shall be punishable by fine. Upon conviction, persons shall be assessed fines in accordance with Chapter 1-1-99 of the City Code. Each day a violation of this Chapter continues constitutes a distinct and separate offense.

**PART 2.** Article II of Chapter 16-7 (§§ 16-7-40 to 16-7-45) is hereby repealed.

**PART 3.** The requirement of Section 2-2-3, Code of the City of Austin, 1992, that ordinances be read on three (3) separate days shall be hereby waived by the affirmative vote of five (5) members of the City Council to pass this ordinance through more than one reading on a single vote.

**PART 4.** This Ordinance shall become effective upon the expiration of ten (10) days from its enactment, as provided by the Charter of the City of Austin.

**PASSED AND APPROVED**

\_\_\_\_\_, 1994

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\_\_\_\_\_  
**Bruce Todd**  
**Mayor**

**APPROVED:** \_\_\_\_\_  
**Diana L. Granger**  
**City Attorney**

**ATTEST:** \_\_\_\_\_  
**James E. Aldridge**  
**City Clerk**

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